

1 CHRISTOPHER R. MILTENBERGER
Nevada Bar No. 10153
2 GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive, Suite 600
3 Las Vegas, Nevada 89135
Telephone: (702) 792-3773
4 Facsimile: (702) 792-9002
Email: miltenbergerc@gtlaw.com

5 Bonnie MacNaughton (*pro hac vice*)
6 Lindsey E. Mundt (*pro hac vice*)
DAVIS WRIGHT TREMAINE LLP
7 920 5th Avenue, Suite 3300
Seattle, WA 98104
8 Phone: (206) 622-3150
Email: bonniemacnaughton@dwt.com

9 Attorneys for Plaintiff
10 MICROSOFT CORPORATION

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF NEVADA**

13 MICROSOFT CORPORATION, a Washington
Corporation,

14 Plaintiff,

15 v.

16 CHEAP TECH GUYS LLC, a Nevada Limited
17 Liability Company,

18 Defendant.

Case No. 2:21-cv-00284-APG-VCF

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE DISCOVERY

(First Request)

19
20 Pursuant to Local Rule 26-3 and LR IA 6-1, Defendant Cheap Tech Guys LLC
21 (“Defendant”) and Plaintiff Microsoft Corporation (“Plaintiff”), by and through their respective
22 counsel of record hereby stipulate and agree and request that the Court enter an order extending
23 each of the discovery deadlines set forth in the Court’s Scheduling Order entered May 28, 2021
24 (ECF 23) by a period of six months for the reasons set forth herein. The parties’ joint request
25 to extend the discovery deadlines set forth in the Court’s Scheduling Order is supported by
26 good cause as contemplated by LR 26-3 as described herein. This is the parties’ first request
27 for an extension of the discovery deadlines set forth in the Scheduling Order.
28

A. Good Cause Exists to Extend the Discovery Deadlines Because the Parties Wish to Resolve Remaining Issues in an Efficient Manner Before Involving the Court.

As contemplated by LR 26-3, good cause exists to continue the deadlines set forth in the Court's Scheduling Order as the parties need additional time to resolve their outstanding discovery disputes and to pursue a private mediation as contemplated herein.

On July 1, 2021, Microsoft served its first set of discovery requests on Cheap Tech. The parties have met and conferred three times regarding Cheap Tech's discovery responses, but Microsoft believes that outstanding deficiencies remain. On August 2, 2021, Cheap Tech served its first set of discovery requests on Microsoft. Microsoft responded on September 7, 2021. The parties have been engaged in good faith meet and confers in an effort to resolve their disputes concerning Cheap Tech's responses. However, the parties have reached an impasse on certain issues and Microsoft plans to move for a motion to compel based on Cheap Tech's current discovery responses and production. To facilitate the orderly resolution of the discovery process, both parties agree that an extension of the discovery cut-off is necessary to allow them to resolve their claims.

Further, the parties have agreed to schedule a private mediation of the case in the early part of 2022. The parties jointly believe that focusing on a resolution of the case rather than on scheduling and taking multiple depositions before the fast-approaching discovery cut-off date could potentially promote an early settlement of the matter.

Therefore, the parties agree that good cause exists to extend the discovery deadlines by a period of six months so that they can pursue a mediation and attempt to resolve their discovery disputes in an efficient manner.

B. The Parties Have Completed Some Discovery to Date.

Plaintiff served its Initial Disclosures on May 27, 2021.

Defendant served its Initial Disclosures on May 28, 2021.

Defendants served its First Supplemental Disclosures on June 9, 2021.

Plaintiff propounded its First Set of Requests for Production and First Set of Interrogatories on Defendant on July 1, 2021.

1 Defendant propounded its First set of Requests for Production and First Set of
2 Interrogatories on Plaintiff on August 2, 2021.

3 Defendant served its initial Responses to Plaintiff's First Set of Requests for
4 Production, Plaintiff's First Set of Interrogatories, and its Second Supplemental Disclosures on
5 August 2, 2021.

6 Plaintiff served its Responses to Defendant's First Set of Requests for Production and
7 First Set of Interrogatories on September 7, 2021.

8 The parties negotiated the terms of a Stipulated Confidentiality Agreement and Joint
9 Protective Order that was submitted to the Court on September 10, 2021. The Court entered its
10 order approving the Stipulated Confidentiality Agreement and Joint Protective Order on
11 September 13, 2021.

12 Defendant served its Supplemental Responses to Plaintiff's First Set of Requests for
13 Production and its Third Supplemental Disclosures on October 15, 2021.

14 Defendant served its Fourth Supplemental Disclosures on November 16, 2021.

15 Defendant served its Second Supplemental Responses to Plaintiff's First Set of
16 Requests for Production and its Second Supplemental Responses to Plaintiff's First Set of
17 Interrogatories on November 16, 2021.

18 Defendant served its Third Supplemental Responses to Plaintiff's First Set of Requests
19 for Production and its Third Supplemental Responses to Plaintiff's First Set of Interrogatories
20 on November 30, 2021.

21 The parties have engaged in meet and confers seeking to resolve discovery disputes
22 relating to Defendants' discovery responses and document productions.

23 **C. There Remain Some Outstanding Discovery Issues.**

24 Microsoft believes that the remaining discovery generally consists of document
25 production and responses related to Cheap Tech's formation and ownership, financial
26 information including tax returns and earning statements, communications with customers that
27 purchased Microsoft software, website and marketing information, and communications
28

1 between its insurer. Microsoft plans to move for a motion to compel regarding these remaining
2 issues.

3 Following resolution of Microsoft's discovery requests, the parties will move forward
4 with scheduling mediation, and if necessary, expert disclosures, party and non-party
5 depositions, and dispositive motions.

6 **D. The Parties Have Attempted to Resolve Discovery Issues Before the February**
7 **7, 2022 Cut-off but Need Additional Time.**

8 The parties have met and conferred three times in an attempt to resolve outstanding
9 discovery issues related to Cheap Tech's responses and production, on September 24, 2021,
10 November 16, 2021, and November 22, 2021. Although Cheap Tech has supplemented its
11 production, as of the most recent meet and confer, the parties agree that they have reached an
12 impasse and have conferred sufficiently to move for a motion to compel.

13 **E. The Parties Propose an Amended Scheduling Order for Completing All**
14 **Remaining Discovery.**

15 (a) Discovery Cut-off Date: The deadline for the Parties to complete all fact
16 discovery in this matter shall be extended from February 7, 2022 to **August 8, 2022**.

17 (b) Deadline for Amending Pleadings and Adding Parties: The deadline for the
18 Parties to amend pleadings or add parties shall be extended from November 9, 2021 to **May 10,**
19 **2022.**

20 (c) Initial Expert Disclosures: The deadline for the Parties to make their Rule 26(a)
21 expert disclosures shall be extended from December 9, 2021 to **June 9, 2022.**

22 (d) Rebuttal Expert Disclosures: The deadline for the Parties to make their Rule
23 26(a) rebuttal expert disclosures shall be extended from January 10, 2022 to **July 11, 2022.**

24 ~~(e) Interim Status Report: The deadline for the Parties to submit their interim status~~
25 ~~report shall be extended from December 9, 2021 to **June 9, 2022.**~~

26 (f) Dispositive Motion Deadline: The deadline for the Parties to file their
27 dispositive motions shall be extended from March 9, 2022 to **September 7, 2022.**

(g) Joint Pretrial Order: The deadline for the parties to file their joint pretrial order shall be extended from April 8, 2022 to **October 7, 2022**. Pursuant to LR 26-1(b)(5), in the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the entry of a decision on the dispositive motion(s), or upon further order of the Court.

Based on the foregoing stipulation and good cause appearing, the parties respectfully request that the Court enter an order adopting the parties' proposed schedule for completing all remaining discovery.

IT IS SO STIPULATED.

Dated this 7th day of December 2021

Dated this 7th day of December 2021

GREENBERG TRAURIG, LLP

**WOOD, SMITH, HENNING &
BERMAN LLP**

/s/ Christopher R. Miltenberger

/s/ Nicholas F. Adams

CHRISTOPHER R. MILTENBERGER

ANALISE N. TILTON

Nevada Bar No. 10153

Nevada Bar No. 13185

GREENBERG TRAURIG, LLP

BROOK A. BOHLKE

10845 Griffith Peak Drive, Suite 600

Nevada Bar No. 9374

Las Vegas, Nevada 89135

NICHOLAS F. ADAMS

Nevada Bar No. 14183

Bonnie MacNaughton (*pro hac vice*)

2881 Business Park Court, Suite 200

Lindsey E. Mundt (*pro hac vice*)

Las Vegas, Nevada 89128

DAVIS WRIGHT TREMAINE LLP

920 5th Avenue, Suite 3300

Attorneys for Defendant

Seattle, WA 98104

Cheap Tech Guys LLC

Attorneys for Plaintiff

Microsoft Corporation

Good cause appearing,

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

Dated this 10th day of December 2021